

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	CRIMINAL NO. 04 - _____
	:	
v.	:	DATE FILED: _____
	:	
VU NGUYEN	:	VIOLATIONS:
	:	18 U.S.C. §§ 924(a)(1)(A); 2 (Aiding and
	:	abetting a false statement in purchase of
	:	firearms - 1 Count)
	:	18 U.S.C. § 924(d) (Notice of forfeiture)

I N F O R M A T I O N

COUNT ONE

THE UNITED STATES ATTORNEY CHARGES THAT:

1. At all times material to this Information, the following companies possessed a federal firearms license ("FFL") and were authorized to deal in firearms under federal law:
 - a. C & C Sports Center, located at or about 101 Geiger Road in Philadelphia, Pennsylvania;
 - b. Delia's Gun Shop, located at or about 6104 Torresdale Avenue in Philadelphia, Pennsylvania; and
 - c. Mike and Kate's Sport Shoppe, located at or about 7492 Oxford Avenue in Philadelphia, Pennsylvania.
2. FFL holders were licensed, among other things, to sell firearms and ammunition. Various rules and regulations promulgated under the authority of Title 18, United States Code, Chapter 44 (Sections 921-929), govern the manner in which an FFL holder may sell firearms and ammunition.
3. The rules and regulations governing FFL holders required that a person seeking

to purchase a handgun fill out a "Firearms Transaction Record," ATF Form 4473. Part of the Form 4473 required that the prospective purchaser certify truthfully, subject to penalties of perjury, that he was the actual buyer of the firearm. The Form 4473 contained language warning that "[t]he federal firearms laws require that the individual filling out this form must be buying the firearm for himself or as a gift. Any individual who is not buying the firearm for himself/herself or as a gift, but who completes this form, violates the law."

4. A person who purchases a firearm for another person and falsely completes the Form 4473 is a "straw purchaser." The federal offense alleged in the information, a felony, is commonly known as "straw purchasing" or "lying and buying."

5. FFL holders were required to maintain a record, in the form of a completed Form 4473, of the identity of the actual buyer of firearms sold by the FFL holder.

6. Defendant VU NGUYEN was nineteen years old and therefore barred by law from buying firearms on account of his age. Defendant was not an FFL holder.

7. From on or about May 29, 2003 through on or about August 4, 2003, at Philadelphia, in the Eastern District of Pennsylvania, defendant VU NGUYEN wilfully caused K.B., another individual known to the United States Attorney, to "straw purchase" the following firearms listed on the chart below on behalf of defendant VU NGUYEN, who then would scrape off the serial numbers of the firearms and sell the firearms to customers both known and unknown to the United States Attorney, including S.G., a customer located in Philadelphia:

DATE	FFL	FIREARM(S) PURCHASED	SERI AL NUM BER(S)
May 29, 2003	C & C Sports Center 101 Geiger Road Philadelphia, PA	Ruger P97 .45 caliber pistol	633-48346
May 31, 2003	C & C Sports Center 101 Geiger Road Philadelphia, PA	Ruger P97 .45 caliber pistol High Point .45 caliber pistol	633-48344 X402208

May 31, 2003	Mike & Kate's Sport Shoppe 7492 Oxford Avenue Philadelphia, PA	Keltec P-11 9 mm pistol	130588
June 14, 2003	Delia's Gun Shop 6104 Torresdale Avenue Philadelphia, PA	2 Ruger P97 .45 caliber pistols	633-50771 633-50773
June 25, 2003	C & C Sports Center 101 Geiger Road Philadelphia, PA	High Point JHP .45 caliber pistol	X403742
July 1, 2003	C & C Sports Center 101 Geiger Road Philadelphia, PA	Cobra CA380 .38 caliber pistol	CP006841
		High Point CP 9 mm pistol	P155046
July 9, 2003	C & C Sports Center 101 Geiger Road Philadelphia, PA	1 Ruger P97D .45 caliber pistol	663-51169
		High Point CP 9 mm pistol	P155048
August 4, 2003	C & C Sports Center 101 Geiger Road Philadelphia, PA	2 Ruger P97D .45 caliber pistols	663-54200 663-54210

8. On or about August 4, 2003, in the Eastern District of Pennsylvania and elsewhere, defendant

VU NGUYEN,

in connection with the acquisition of the firearms listed below from the federally licensed dealer listed below, knowingly made, and aided, abetted and wilfully caused K.B., an individual known to the United States Attorney, to make a false statement and representation with respect to the information required by the provisions of Title 18, United States Code, Chapter 44, to be kept in the records of a federally licensed firearms dealer, in that K.B. falsely represented on Form 4473 that he was the actual buyer of the firearms described below, when, in fact, K.B. and defendant VU NGUYEN knew those representations to be false because defendant VU NGUYEN was the actual buyer of the firearms:

DATE	FFL	FIREARMS PURCHASED	SERI AL NUM BERS
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August 4, 2003	C & C Sports Center 101 Geiger Road Philadelphia, PA	2 Ruger P97 .45 caliber pistols	633-54200 633-54210
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In violation of Title 18, United States Code, Sections 924(a)(1)(A) and 2.

NOTICE OF FORFEITURE

1. As a result of the violation of Title 18, United States Code, Sections 924(a)(1)(A) and 2, set forth in this Information, the defendant VU NGUYEN shall forfeit to the United States of America, pursuant to Title 18, United States Code, Section 924(d), and Title 28, United States Code, Section 2461(c), all firearms involved in the commission of this offense, including, but not limited to the following:

(a) a Ruger P97 .45 caliber pistol, serial number 633-54200; and

(b) a Ruger P97 .45 caliber pistol, serial number 633-54210.

All pursuant to Title 28, United States Code, Section 2461(c) and Title 18, United States Code, Section 924(d).

PATRICK L. MEEHAN
United States Attorney